

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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In re VEECO INSTRUMENTS, INC.	:	Case No.: 7:05-md-01695 (CM)(GAY)
SECURITIES LITIGATION	:	
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THIS DOCUMENT RELATES TO	:	
ALL ACTIONS	:	
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**LEAD PLAINTIFF'S NOTICE OF MOTION AND MOTION TO VACATE  
AND REVERSE THE DISCOVERY ORDER OF MAGISTRATE JUDGE  
GEORGE A. YANTHIS SIGNED JANUARY 24, 2007 PURSUANT TO  
FEDERAL RULE OF CIVIL PROCEDURE 72**

PLEASE TAKE NOTICE that, upon the papers to be filed with this Court, Lead Plaintiff, by their counsel Berger & Montague, P.C., shall respectfully move this Court, before the Honorable Colleen McMahon, United States District Judge, at a date and time to be determined by the Court, for an Order, pursuant to Fed. R. Civ. P. 72(a), vacating and reversing the Discovery Order of Magistrate Judge George A. Yanthis signed on January 24, 2007 and entered on January 25, 2007.

Lead Plaintiff objects for the reasons set forth in its supporting Memorandum of Law which is fully incorporated herein by reference.

PLEASE TAKE FURTHER NOTICE that Lead Plaintiff will rely on the supporting Memorandum of Law, Declaration of Phyllis M. Parker, and accompanying Exhibits filed herewith; and

PLEASE TAKE FURTHER NOTICE that Plaintiffs request oral argument on this motion.

A proposed form of Order is submitted herewith.

Dated: February 7, 2007

**BERGER & MONTAGUE, P.C.**

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Class***